

### **REMARKS**

This application contains claims 1-7, 9-17, 19-28 and 30-32. Claims 10, 20 and 31 are hereby amended. No new matter has been introduced. The Office Action and cited references have been considered. Reconsideration is respectfully requested.

Claims 10, 20 and 31 were rejected under 35 U.S.C. 112, second paragraph, for an error of antecedence. Applicant has amended these claims to correct the error. Applicant respectfully submits that the amendment should be entered, notwithstanding the final rejection of the claims, as it will put the claims in better condition for allowance or appeal.

Claims 1-7, 11-17, 22-28 and 32 were rejected under 35 U.S.C. 103(a) over Tso et al. (U.S. Patent 6,421,733). Applicant respectfully traverses this rejection.

Independent claims 1, 11 and 22 recite a novel use of a servlet to enable clients to request a certain portion of a media file. The servlet selects the elements of the media file corresponding to the requested portion for streaming to the client. The servlet permits the streaming function to be carried out by a standard HTTP server. This sort of selective client access to portions of media files was previously available only through the use of costly, specialized media servers (as explained, for example, in paragraphs 0011 and 0016 of the specification).

Tso describes a system for dynamically transcoding data, using a HTTP remote proxy in conjunction with a parser and transcode service providers (Fig. 3 and col. 3, lines 31-65). As Applicant pointed out in response to the previous Official Action, Tso makes no mention or suggestion of the use of servlets, or of any equivalent sort of program. Rather, Tso uses the HTTP proxy to fetch content from the Internet and decide whether or not to transcode it.

The Examiner made no response to this point in the present Official Action. In view of the critical benefit of the use of a servlet for this purpose, as explained above, and the absence of any suggestion in the cited art that a servlet might be used for this purpose, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness against the independent claims in this application.

Thus, Applicant respectfully submits that independent claims 1, 11 and 22, as amended, are patentable over the cited art. In view of the patentability of these independent claims, dependent claims 2-7, 12-17, 23-28 and 32 are also believed to be patentable.

Claims 9, 10, 19-21, 30 and 31 were rejected under 35 U.S.C. 103(a) over Tso in view of Kalra et al. (U.S. Patent 6,490,627). In view of the patentability of amended independent claims 1, 11 and 22, dependent claims 9, 10, 19-21, 30 and 31 are also believed to be patentable.

Furthermore, notwithstanding the patentability of the independent claims in this application, Applicant respectfully submits that the dependent claims recite independently-patentable subject matter. For example, claims 9, 19 and 30 recite a type of element that could be selected by the servlet of claim 1: a segment in an ordered sequence of frames (such as video frames). The Examiner acknowledged that Tso does not disclose this element of the claims.

Kalra describes a media delivery system that uses a specialized adaptive stream server and adaptive stream client for media streaming (Figs. 13 and 14). The purpose of these elements is to optimize the transmission of sounds or images to the client according to the capabilities of the client computer (col. 1, line 66 – col. 2, line 3). For this purpose, the data transmitted from the server to the client is “segmented” into a base stream, containing the basic

informational content, and additive streams, which may be transmitted to provide enhanced resolution, depending on the capabilities of the client (col. 2, lines 27-43).

Kalra, however, does not teach or suggest selecting a segment of a sequence of frames, as recited in claims 9, 19 and 30. Rather, all of Kalra's segments contain the same sequence of frames, but at different resolution levels. The Examiner maintained that this claim element is disclosed by Kalra in col. 5, lines 15-20, but the cited passage refers to no more than the standard way in which an MPEG video sequence is formatted.

Furthermore, Kalra's capabilities are dependent on the use of the specialized adaptive stream server, while his HTTP server is used only to set up the direct connection between the adaptive stream server and the adaptive stream client (col. 15, lines 24-44). By contrast, the claims in the present patent application recite the use of HTTP responses to carry the actual media stream to the client.

Thus, claims 9, 19 and 30 are independently patentable over the cited art. Similar arguments may be made regarding other dependent claims in this application, but for the sake of brevity, Applicant will refrain from advancing these arguments at present.

Applicant believes the amendments and remarks presented above to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Prompt notice to this effect is requested.

If the Examiner has any questions he is invited to contact the undersigned at 202-628-5197.

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Respectfully submitted,

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